

**FACT SHEET  
FOR MAJOR MODIFICATION OF  
GENERAL PERMIT NO. LAG480000 - AI 84683  
DISCHARGES FROM LIGHT COMMERCIAL FACILITIES**

FACT SHEET FOR THE MAJOR MODIFICATION OF LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM (LPDES) PERMIT FOR DISCHARGES FROM LIGHT COMMERCIAL FACILITIES

Permit No. LAG480000

Issuing Office: State of Louisiana  
Department of Environmental Quality  
Office of Environmental Services  
Water Permits Division  
Municipal and General Water Permits Section

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Permit Action: Modification of a General Permit for Discharges from Light Commercial Facilities

Date Prepared October 12, 2007

I. COVERED ACTIVITY (LAC 33:IX.2905.A.)

Facility types covered by this general permit remain unchanged from the original permit issued on July 25, 2006, with an effective date of August 1, 2006.

II. WHY IS THE PERMIT BEING MODIFIED?

The 19<sup>th</sup> Judicial District Court received a Petition for Judicial Review of the reissued general permit on August 30, 2006. The Petition for Judicial Review was filed by the Louisiana Environmental Action Network (LEAN). The Court stayed the effectiveness of the reissued general permit on August 30, 2006, pending final resolution of the appeal. On September 24, 2007, the 19<sup>th</sup> Judicial District Court remanded the general permit to LDEQ for modification and dismissed the Petition for Judicial Review filed by Appellants.

Although the LDEQ continues to believe that the Light Commercial General Permit provided for expeditious, effective and environmentally protective regulation of minor facilities as it was originally issued on July 25, 2006, the permit modification was initiated in response to the objections that were contained in LEAN's Petition for Judicial Review which was dismissed by the 19<sup>th</sup> Judicial District Court on September 24, 2007.

### III. CHANGES THAT CONSTITUTE A PERMIT MAJOR MODIFICATION

The permit is being modified to restrict permit eligibility by eliminating Part I, Schedule J (Discharges of Treated Sanitary Wastewater 5,000 to 25,000 GPD), and excluding discharges into water bodies which have been designated by the State as Outstanding Natural Resource Waters. Language was also included in the modified general permit and the NOI form (LCF-G) to stipulate that at the discretion of the Department, the general permit may not apply to discharges into water bodies designated by the State pursuant to Section 303(d) of the Clean Water Act, and discharges into waters that are likely to contain rare, threatened, or endangered species.

Although all NOIs submitted for coverage under a general permit have always undergone an extensive review to ascertain that the discharge is eligible for coverage under a general permit, the modified permit now includes specific language to describe instances where applicants for coverage under the Light Commercial Facilities General Permit may be required to apply for individual LPDES permit coverage. Cases where an individual LPDES permit may be required are described in Part I, Modified Page 8 of 28.

This modification does not, nor is it intended to, change, modify, or revoke any effluent limitation contained in the permit.

The NOIs that are received for general permit coverage undergo an extensive review, including water quality screens when necessary. Facilities that are deemed ineligible for coverage under the general permit will not be authorized under the general permit. Therefore, the discharges covered by the general permit and this modification should not pose any reasonable potential to cause or contribute to any existing water quality or 303(d) listed impairment.

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to modify the permit to include the changes described above.

### IV. OTHER CHANGES THAT DO NOT CONSTITUTE A PERMIT MAJOR MODIFICATION

Permit Part I, Modified Page 15 of 28: Updated language in footnote 5 and the last paragraph on the page to instruct permittees to use test methods prescribed in the latest approved 40 CFR 136 in order to ensure that they are using the most current and sensitive parameter-specific test methods. The language regarding BTEX test methods that is used in LPDES permits changed after LAG480000 was reissued on August 1, 2006. The language was updated in the modified draft permit to ensure that permittees use the current approved parameter-specific test method and to standardize the requirement in the modified draft permit for consistency with current LPDES requirements.

Permit Part I, Modified Page 25 of 28: Updated item #1 to standardize the requirement in the modified draft permit for consistency with current LPDES requirements.